



Image RCE  
Docket No.: PF-0346-2 RCE  
1647

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By: [Signature] Printed: Katherine Stofer

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUESTED CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a request for filing a Continued Examination (RCE) application under 37 C.F.R. § 1.114 of prior application number 09/405,940, filed on September 29, 1999.

The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

**SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114**

**A. Previously Submitted:**

- i. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_, under 37 C.F.R. § 1.116 in the prior non-provisional application.
- ii. ☐ Consider the arguments in the Appeal Brief previously filed on \_\_\_\_\_.
- iii. ☒ Other: Response mailed November 3, 2003, with Exhibits A-D.

**B. Enclosed are:**

- i. ☒ Preliminary Amendment/Reply (20 pp.).
- ii. ☐ Affidavits/Declarations (pp.).
- iii. ☐ Information Disclosure Statement (pp.), and List of References Cited PTO-1449 (pp.), including () references.
- iv. ☐ Other.

**MISCELLANEOUS**

- ☒ Return Receipt Postcard.
- ☒ Petition for Extension of Time under 37 C.F.R. § 1.136 and § 1.17 (1 pg.).
- ☐ Certificate under 37 C.F.R. § 3.73(b), Revocation of Power of Attorney and Appointment of New Attorney (2 pp.).
- ☐ Applicant requests suspension of action under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ month(s) (not to exceed 3 months).

**CLAIMS AS FILED**

Claims	Claims After Amendment	-	Claims Previously Paid For	=	Present Extra	Other Than Small Entity		Basic Fee	
						Rate	Fee	\$	770.00
Total	7	-	20	=	0	x\$18.00		\$	.00
Indept.	4	-	3	=	1	x\$86.00	86.00	\$	86.00
First Presentation of Multiple Dependent Claims:						+\$290.00		\$	.00
Filing Fee:								\$	856.00


**FEE CALCULATION AND METHOD OF PAYMENT**

<input checked="" type="checkbox"/>	Fee for filing a Request for Continued Examination Application (RCE) under 37 C.F.R. § 1.17(d):	\$	770.00
<input checked="" type="checkbox"/>	Claim Fees from Above:	\$	86.00
<input checked="" type="checkbox"/>	Fee for Petition for Extension of Time Under 37 C.F.R. § 1.17(a):	\$	110.00
<input checked="" type="checkbox"/>	Please charge Deposit Account No. 09-0108 in the amount of:	\$	966.00

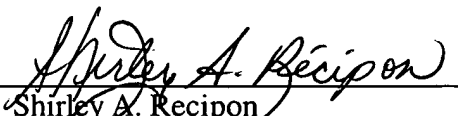
Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 C.F.R. §§ 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account 09-0108. This sheet is enclosed in duplicate.

Respectfully submitted,  
 INCYTE CORPORATION

Date: February 6, 2004

  
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Date: February 6, 2004

  
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By: \_\_\_\_\_

Printed: Katherine Stofer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Hillman et al.

Title: T-CELL RECEPTOR BETA-LIKE PROTEIN

Serial No.: 09/405,940

Filing Date: September 27, 1999

Examiner: Ewoldt, G.

Group Art Unit: 1644

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P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT FILED WITH**  
**REQUEST FOR CONTINUED EXAMINATION (RCE) REQUEST**  
**UNDER 37 CFR 1.114**

Sir:

The present application is a Request for Continued Examination (RCE) application of U.S. Application Number 09/405,940 (the '940 application), filed September 27, 1999. Applicants filed a response, including evidence and references, and a Notice of Appeal, to the Final Office Action (mailed July 1, 2003), on November 3, 2003, and received by the USPTO on November 6, 2003. An Advisory Action was mailed on December 12, 2003 indicating that the amendment, sequence alignments and references would not be entered and not considered.

In lieu of a Brief on Appeal, Applicant is filing an RCE application under 37 C.F.R. § 1.114 and Applicant hereby requests that the Office enter the sequence alignments and references presented by Applicant in the Response to the Final Office Action filed on November 3, 2003, and consider the

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arguments and supporting evidence presented. **Please note that the period for response has been extended until February 6, 2004, by the accompanying Petition and fee.** Authorized fees include the application fee of \$770.00 and \$110.00 for the accompanying Petition requesting a one (1) extension of time for filing the Brief on Appeal.

**Applicant respectfully requests that the Examiner continue to examine the invention of Group I, which includes currently pending claims 1, 2, 13 and new claim 27 (drawn to T-cell receptor beta-like protein, variants, and pharmaceutical compositions), in this new RCE application, and that claims 24-26 (drawn to methods of using the T-cell receptor proteins) (currently withdrawn) be rejoined and considered upon allowance of any of the product claims.** Applicant requests that the application be reconsidered in view of the following amendments and remarks.